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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/037,225 | 10/25/2001 | Robert Beach | 931XX | 6484 |
| 29906 | 7590 | 01/10/2006 | EXAMINER | |
| INGRASSIA FISHER & LORENZ, P.C. 7150 E. CAMELBACK, STE. 325 SCOTTSDALE, AZ 85251 | | | SHAH, CHIRAG G | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2664 | |

DATE MAILED: 01/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | | |
|------------------------------|------------------------|--|---------------------|--|
| Office Action Summary | Application No. | | Applicant(s) | |
| | 10/037,225 | | BEACH, ROBERT | |
| | Examiner | | Art Unit | |
| | Chirag G. Shah | | 2664 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/3/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 24-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 24-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 24-25, 27-30 and 32, rejected under 35 U.S.C. 102(e) as being anticipated by Panasik (U.S. Patent No. 6,590,884 B1).

Regarding claims 1, 24 and 28, Panasik discloses a method and apparatus providing spatial diversity within an indoor network. The system disclosed by Panasik comprising a plurality of RF access points 18, 20 and 70, network interface 24, wherein the access points transmits a received data from the interface 24 through a backbone 22 to the mobile user 12, and transmits a received data from the mobile user 12 to the network interface 24 by using Ethernet protocol; figures 1-2 (a plurality of RF pods having at least one data interface, said RF ports being arranged to receive formatted data signals at said data interface and transmit corresponding RF data signals and arranged to receive RF data signals and provide corresponding formatted data signals.) Also, in figures 4 and 5, Panasik discloses the system comprises a phase alignment block 122 wherein each data string is decoded 124 to reveal the specific multiple access point 70 from which the data string originated. Return data to the network backbone 22 for other computers is transmitted via communications link 132. The purpose of the phase alignment block 122 is to provide a reference point for the data strings 118 and 120 input from access points 101-

Art Unit: 2664

102., col. 5, line 51-col. 6, line 51. Moreover, Panasik teaches that each mobile user is assigned an access point based on the quality of the signal, col. 3, lines 52 - col. 4, line 2 (at least one cell controller, arranged to receive data signals from said wired network and to provide formatted data signals corresponding thereto to said data interface of said RF ports and to receive formatted data signals from said RF ports and to provide data signals corresponding thereto to said wired network, said cell controller controlling association of mobile units with one of said RF pods, providing formatted data signals for said mobile units to an associated RF port and receiving formatted data signals from said mobile unit from said associated RF port).

Regarding claims 25, 29-30, Panasik discloses that the system comprises a plurality of RF access points 18, 20 and 70, network interface 24, wherein the access points comprises a transceiver 104 for transmitting an received data from the interface 24 through a backbone 22 to the mobile user 12, and transmitting a received data from the mobile user 12 to the network interface 24 by using Ethernet protocol', fig.1-4; col. 4, line 13-32, lines 46-54 (A method for transmitting signals having a wireless signals format using an RF port having an Ethernet interface, a data processor and an RF module, comprising providing an Ethernet data packet to said Ethernet interface, said Ethernet data packet encapsulating as data a data message having said wireless signal format, operating said data processor to provide said data message to said RF module, and operating said RF module to transmit said data message as an RF signal).

Regarding claims 27 and 32, the system disclosed by Panasik comprises a phase alignment block 122 for controlling RF access points, fig. 4-5, col. 3, lines 52 - col. 4, line 2 (comprising operating said data processor to control said radio module).

Art Unit: 2664

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 26 and 31 rejected under 35 U.S.C. 103(a) as being unpatentable over Panasik, US Patent No. 6,590,884 B1, in view of Eng et al, US Patent No. 5,623,495, hereafter referred to as Panasik and Eng respectively.

Regarding claims 26 and 31, Panasik does not disclose that the system performs a cyclic redundancy computation on the data message and adding the result thereof to said data message. However, the cyclic redundancy checking (CRC) is well-known technique in the art as disclosed by Eng in col. 5, lines 60-62 for detecting errors. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply CRC method into the system disclosed by Panasik in order to improve the quality of the data signal because the error could be detected quickly.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chirag G. Shah whose telephone number is 571-272-3144. The examiner can normally be reached on M-F 8:30-5:00.

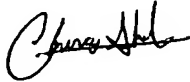
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on 571-272-3134. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2664

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

cgs

December 28, 2005

A handwritten signature in black ink, appearing to read 'Chirag Shah', is written over a horizontal line.

Chirag Shah
Patent Examiner, AU 2664